

REMARKS

Claims 1, 3, 4, 6-17, 20-26, 29, and 40-48 are pending in the Application, of which claims 1, 24, 25, 26, 40, 42, 47 are independent. Claims 2, 5, 18, 19, 27, 28, 30-33 and 35 had been previously canceled. Claims 34 and 36-39 have been canceled without prejudice or disclaimer. Claims 1, 3, 9, 10, 13, 16, 24, 25, 26, 40, 42 and 47 have been amended to better claim the invention. No new matter was added.

Applicants respectfully urge that all of the claims are patentable and in condition for allowance.

I. Interview with Examiner

Applicants thank the Examiner for the courtesy of conducting an interview on March 18, 2010. During the interview, Applicants' representatives argued that among the cited references at least the primary reference Fitzpatrick and the newly cited Huang reference are not related to executable block diagram models. Applicants' representatives explained that the pending claims are related to block diagram models that (1) represent dynamic systems and (2) can be executed, i.e. simulated, to illustrate the behavior of the dynamic systems. Applicants' representatives also explained that a block in the block diagram represents an elemental dynamic system and that at least Fitzpatrick and Huang fail to disclose or suggest an executable block diagram model representing a dynamic system where a block of the executable block diagram model represents an elemental dynamic system. The Examiner suggested amending the claims to better define a block diagram. Accordingly, Applicants amend the claims in light of the Examiner's suggestions.

II. Summary of Rejections

In the Office Action, the Examiner rejects claims 1, 3-4, 9-13, 23-24, 26, 29, 36-39 and 42-44 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,877,138 to Fitzpatrick et al. (hereafter "Fitzpatrick") in view of U.S. Patent No. 6,980,979 to Huang (hereafter "Huang"). However, this rejection appears under the sub-heading of "Claim Rejections – 35 U.S.C. § 103". See Office Action, page 2. Accordingly, Applicants assume that

claims 1, 3-4, 9-13, 23-24, 26, 29, 36-39 and 42-44 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang.

In the Office Action,

claims 8 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of U.S. Patent No. 6,407,753 to Budinsky et al. (hereafter “Budinsky”);

claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of The MathWorks using Simulink, version 5 (hereafter “the Simulink reference”) and in further view of U.S. Patent No. 6,407,753 to Budinsky et al. (hereafter “Budinsky”);

claims 7 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of U.S. Patent No. 6,070,006 to Iriuchijima (hereafter “Iriuchijima”);

claims 6, 16-17, 20 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of U.S. Patent No. 6,195,092 to Dhond (hereafter “Dhond”);

claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of U.S. Patent No. 6,300,949 to Shudo et al. (hereafter “Shudo”);

claims 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of U.S. Patent No. 6,738,964 to Zink et al. (hereafter “Zink”);

claim 45 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of U.S. Patent Publication No. 2003/0132964 by Santori (hereafter “Santori”);

claim 46 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of U.S. Patent Publication No. 2003/0132964 by Singh (hereafter “Singh”); and

claims 47 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of U.S. Patent Publication No. 2002/0069400 by Miloushev et al. (hereafter “Miloushev”).

These rejections are discussed below.

III. Claim Rejections under 35 U.S.C. § 103

A. Claims 1, 3-4, 9-13, 23-24, 26, 29, 36-39 and 42-44

As provided above, claims 1, 3-4, 9-13, 23-24, 26, 29, 36-39 and 42-44 are assumed to be rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang. See Office Action, page 3, § 3. Applicants respectfully traverse this rejection.

1. Claims 1, 3-4, 9-13 and 23

Applicants respectfully urge that Fitzpatrick and Huang, taken either alone or in any reasonable combination, do not disclose or suggest at least the following feature of claim 1: ***selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system.***

Applicants urge that neither reference discloses at least ***selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*** because none of the cited references disclose or suggest at least an executable block diagram model representing a dynamic system.

Fitzpatrick generally discusses creating and manipulating graphical objects, such as icons. Fitzpatrick allows users to alter the cosmetic attributes of a selected target object such as appearance, shadowing, line thickness, background pattern or color, etc. See Col. 2, lines 15-18.

Fitzpatrick discusses source objects and target objects. However, Fitzpatrick fails to disclose or suggest that the source objects and the target objects are provided *in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, as recited in Applicants' amended claim 1.

Huang fails to cure the shortcomings of Fitzpatrick with respect to at least this claim feature because Huang also fails to disclose or suggest at least an executable block diagram model representing a dynamic system. Huang mainly concerns JAVA API implementations. *See Abstract.* In Huang, JAVA Archive files are modified to comply with the functional behavior requirements of a given application. *See* Col. 2, lines 41-62. However, nowhere in the reference does Huang disclose or suggest *an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system.*

Applicants respectfully urge that Fitzpatrick and Huang, taken either alone or in any reasonable combination, fail to disclose or suggest at least an executable block diagram model representing a dynamic system. Thus, Fitzpatrick and Huang cannot disclose or suggest at least *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, which is present in Applicants' claim 1.

Furthermore, Applicants urge that Fitzpatrick and Huang, taken either alone or in any reasonable combination, fail to disclose or suggest additional features of amended claim 1. For example, Fitzpatrick and Huang are silent about at least *providing said designated at least one destination block with said selected at least one characteristic if said designated at least one destination block does not have said selected at least one characteristic.*

For reasons set forth above, Applicants respectfully urge that Fitzpatrick and Huang, taken either alone or in any reasonable combination, do not disclose or suggest all of the features of claim 1. Accordingly, Applicants respectfully request that the Examiner withdraw the above §103 rejection of claim 1.

Claims 3-4, 9-13 and 23 depend from claim 1 and, as such, incorporate each and every feature of claim 1. Applicants urge that claims 3-4, 9-13 and 23 are allowable for at least the

reasons discussed above for claim 1. Accordingly, Applicants respectfully request that Examiner withdraw the above § 103 rejection of claims 3-4, 9-13 and 23.

2. Claims 24, 26, 29, 36-39 and 42-44

Claims 36-39 are canceled. Therefore, the above rejection of claims 36-39 are moot.

Independent claim 24 includes *an executable block diagram model of a dynamic system, said executable block diagram model having a plurality of blocks, a block of said executable block diagram model representing an elemental dynamic system*. Independent claim 26 recites *receive a selection of at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*.

Independent claim 42 includes *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*.

In light of the arguments presented above with respect to claim 1, Applicants respectfully urge that Fitzpatrick and Huang, taken either alone or in any reasonable combination, do not disclose or suggest at least these features of claims 24, 26 and 42.

Claim 29 depends from claim 26. Claims 43 and 44 depend from claim 42. Dependent claims incorporate each and every feature of the independent claim upon which they depend. Applicants urge that claims 29 and 43-44 are allowable for at least the reasons discussed above.

Accordingly, Applicants respectfully request that Examiner withdraw the above § 103 rejection of claims 24, 26, 29 and 42-44.

B. Claims 8 and 34

In the Office Action, claims 8 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of Budinsky. *See* Office Action, page 12, § 4. Applicants respectfully traverse this rejection.

Claim 34 is canceled. Therefore, the above rejection of claim 34 is moot.

Claim 8 depends from independent claim 1 and, as such, incorporates each and every feature of claim 1. In light of the arguments presented above, Applicants respectfully urge that Fitzpatrick and Huang, taken either alone or in any reasonable combination, do not disclose or suggest at least *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, as recited in Applicants' claim 1.

Budinsky fails at curing the shortcomings of Fitzpatrick and Huang with respect to disclosing or teaching this claim feature. Budinsky generally discusses automatic and user guided rule-based matching and reconciliation for integrating one or more entities. See Col. 2, lines 56-59. Budinsky further indicates that the matching/reconciliation rules are stored such that they can be recalled and applied during a subsequent editing session when the input entities change or a new composite entity of the inputs is desired. See Col. 2, lines 59-63.

Nowhere does Budinsky disclose or suggest at least *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*.

For at least the reasons set forth above, Applicants respectfully urge that Fitzpatrick, Huang, and Budinsky, taken either singly or in any reasonable combination, fail to disclose or suggest all of the features of claim 8. Accordingly, Applicants respectfully request that the Examiner withdraw the above §103 rejection of claim 8.

C. Claim 25

In the Office Action, claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of Budinsky. See Office Action, page 14, § 5. Applicants respectfully traverse this rejection.

Independent claim 25 includes *propagating said selected at least one characteristic to each of said plurality of destination blocks of said executable block diagram model*, where *said*

selected at least one characteristic including at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter.

As discussed above with respect to claim 1, Applicants respectfully urge that Fitzpatrick fails to disclose or suggest an executable block diagram model.

The section of Budinsky cited in the Office Action discusses integrating entities that must be shared by, or passed between, different applications. See Col. 1, lines 42-49. Budinsky indicates that the process of sharing the entities among different applications may be referred as interface mapping, message mapping or data mapping. See Col. 1, lines 46-50. However, Budinsky too is silent about an executable block diagram model as provided in Applicants' amended claim 25.

The Simulink reference concerns executable block diagram models. However, the teachings of the Simulink reference cannot be combined with those of Fitzpatrick and/or Budinsky without substantially changing the respective functions of both graphical elements of the Simulink reference and Fitzpatrick, and Budinsky. Applicants respectfully urge that one of ordinary skill in the art cannot use known methods to apply the teachings about non-executable graphical elements of Fitzpatrick and Budinsky to the teachings about executable block diagrams of the Simulink reference. In addition, Applicants note that the combination of the teachings about non-executable graphical elements of Fitzpatrick and Budinsky with the teachings about executable block diagrams of the Simulink reference would not yield predictable results because it is not possible to readily ascertain how the non-executable graphical objects of Fitzpatrick and Budinsky would behave in an executable block diagram model of the Simulink reference.

Furthermore, the Simulink reference, taken either alone or in any reasonable combination with Fitzpatrick or Budinsky, does not disclose or suggest at least *propagating said selected at least one characteristic to each of said plurality of destination blocks of said executable block diagram model*, where *said selected at least one characteristic including at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*. The Simulink reference describes blocks that have characteristics associated therewith. However, nowhere in the reference does the Simulink reference describe *propagation* of these characteristics such as *a functional attribute, a compiled attribute, an execution data*

field, a block method or a block parameter from a source block to a destination block. The Examiner cites Fitzpatrick for the teaching of propagating attributes. However, as noted above, the teachings about non-executable graphical elements are not readily applicable to the teachings about executable block diagram models using known methods.

In light of the arguments presented above, Applicants respectfully urge that Fitzpatrick, the Simulink reference and Budinsky, taken either alone or in any reasonable combination, do not disclose or suggest at least *propagating said selected at least one characteristic to each of said plurality of destination blocks of said executable block diagram model*, where *said selected at least one characteristic including at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, as recited in Applicants' claim 25.

For at least the reasons set forth above, Applicants respectfully urge that Fitzpatrick, the Simulink reference, and Budinsky, taken either singly or in any reasonable combination, fail to disclose or suggest all of the features of claim 35. Accordingly, Applicants respectfully request that the Examiner withdraw the above §103 rejection of claim 25.

D. Claims 7 and 21

In the Office Action, claims 7 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of Iriuchijima. Applicants respectfully traverse this rejection.

Claims 7 and 21 depend from claim 1 and, as such, incorporate each and every feature of claim 1. As discussed above, Fitzpatrick and Huang, taken either alone or in any reasonable combination, do not disclose or suggest at least *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, which is present in claims 7 and 21. In addition, Iriuchijima fails to disclose or suggest at least this claim feature.

Therefore, Applicants respectfully urge that Fitzpatrick, Huang and Iriuchijima, taken either singly or in any reasonable combination, fail to disclose or suggest at least *selecting at*

least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system, which is present in claims 7 and 21.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 7 and 21 under 35 U.S.C. § 103(a).

E. Claims 6, 16-17 and 20-22

In the Office Action, claims 6, 16-17 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of Dhond. Applicants respectfully traverse this rejection.

Claims 6, 16-17 and 20-22 depend from claim 1 and, as such, incorporate each and every feature of claim 1. As noted above, Fitzpatrick and Huang, taken either alone or in any reasonable combination, do not disclose or suggest *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, which is present in claims 6, 16-17 and 20-22. Dhond fails to disclose or suggest at least this claim feature.

Therefore, Applicants respectfully urge that Fitzpatrick, Huang and Dhond, taken either singly or in any reasonable combination, do not disclose or suggest at least *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, which is present in claims 6, 16-17 and 20-22.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 6, 16-17 and 20-22 under 35 U.S.C. § 103(a).

F. Claims 14 and 15

In the Office Action, claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of Shudo. Applicants respectfully traverse this rejection.

Claims 14 and 15 depend from claim 1 and, as such, incorporate each and every feature of claim 1. As discussed above, Fitzpatrick and Huang, either taken alone or in any reasonable combination, do not disclose or suggest at least *Selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, which is present in claims 14 and 15. Shudo fails to disclose or suggest at least this claim feature.

Therefore, Applicants respectfully urge that Fitzpatrick, Huang and Shudo, taken either singly or in any reasonable combination, do not disclose or suggest at least *Selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, which is present in claims 14 and 15.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 14 and 15 under 35 U.S.C. § 103(a).

G. Claims 40 and 41

In the Office Action, claims 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of Zink. Applicants respectfully traverse this rejection.

Claim 41 depends from claim 40 and, as such, incorporates each and every feature of claim 40. Claim 40 includes *propagating said selected at least one characteristic to said destination line associated with said third block and said fourth block of said executable block diagram model* where the selected at least one characteristic includes *at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which, is not disclosed or suggested by Fitzpatrick, the Simulink reference and Zink.

As discussed above with respect to claim 1, Applicants respectfully urge that Fitzpatrick fails to disclose or suggest an executable block diagram model.

Zink discusses a graphical solutions development system using placement of blocks representing hardware/software functionality on a computer screen drawing and connecting the

blocks by wires representing data and control flow to create application programs and/or hardware design. The blocks are instances of development components that include intelligence for optimization within a detected environment. See Abstract. However, Zink too is silent about an executable block diagram model as provided in Applicants' amended claim 40.

As discussed above, the Simulink reference concerns executable block diagram models. However, the teachings of the Simulink reference cannot be combined with those of Fitzpatrick and/or Zink without substantially changing the respective functions of both graphical elements of the Simulink reference and Fitzpatrick, and Zink. Applicants respectfully urge that one of ordinary skill in the art cannot use known methods to apply the teachings about non-executable graphical elements of Fitzpatrick and Zink to the teachings about executable block diagrams of the Simulink reference. In addition, Applicants note that the combination of the teachings about non-executable graphical elements of Fitzpatrick and Zink with the teachings about executable block diagrams of the Simulink reference would not yield predictable results because it is not possible to readily ascertain how the non-executable graphical objects of Fitzpatrick and Zink would behave in an executable block diagram model of the Simulink reference.

Furthermore, the Simulink reference, taken either alone or in any reasonable combination with Fitzpatrick or Budinsky, does not disclose or suggest at least ***propagating said selected at least one characteristic to said destination line associated with said third block and said fourth block of said executable block diagram model*** where the selected at least one characteristic includes ***at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter***. The Simulink reference discusses that blocks have characteristics associated therewith. However, nowhere in the reference does the Simulink reference discuss ***propagation*** of characteristics such as ***a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter***. The Examiner cites Fitzpatrick for the teaching of propagating attributes. However, as noted above, the teachings about non-executable graphical elements are not readily applicable to the teachings about executable block diagram models using known methods.

In light of the arguments presented above, Applicants respectfully urge that Fitzpatrick, the Simulink reference and Zink, taken either alone or in any reasonable combination, do not disclose or suggest at least ***propagating said selected at least one characteristic to said***

destination line associated with said third block and said fourth block of said executable block diagram model where the selected at least one characteristic includes *at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 40 and 41.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 40 and 41 under 35 U.S.C. § 103(a).

H. Claim 45

In the Office Action, claim 45 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of Santori. Applicants respectfully traverse this rejection.

Claim 45 depends from claim 42 and, as such, incorporates each and every feature of claim 42. As noted above Fitzpatrick and Huang, taken either alone or in any reasonable combination, do not disclose or suggest at least *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, which is present in claim 45. Santori fails to disclose or suggest at least this claim feature.

Therefore, Applicants respectfully urge that Fitzpatrick, Huang and Santori, taken either singly or in any reasonable combination, do not disclose or suggest at least *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, which is present in claim 45.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claim 45 under 35 U.S.C. § 103(a).

I. Claim 46

In the Office Action, claim 46 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of Singh. Applicants respectfully traverse this rejection.

Claim 46 depends from claim 42 and, as such, incorporates each and every feature of claim 42. As noted above Fitzpatrick and Huang, taken either alone or in any reasonable combination, do not disclose or suggest at least *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, which is present in claim 42. Likewise, Singh does not disclose or suggest this claim feature.

Therefore, Applicants respectfully urge that Fitzpatrick, Huang and Singh, taken either singly or in any reasonable combination, do not disclose or suggest at least *selecting at least one characteristic common to a plurality of source blocks in an executable block diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system*, which is present in claim 46.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claim 46 under 35 U.S.C. § 103(a).

J. Claims 47 and 48

In the Office Action, claims 47 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of Huang and in further view of Miloushev. Applicants respectfully traverse this rejection.

Claim 48 depends from claim 47 and, as such, incorporates each and every feature of claim 47. As noted above, Fitzpatrick discusses selecting properties of a single block but not properties of a plurality of blocks. Therefore, Fitzpatrick, taken either alone or in any reasonable combination with Huang and Miloushev, do not disclose or suggest at least *selecting at least one characteristic of a first source block and a second source block in an executable block*

diagram model representing a dynamic system, a block of said executable block diagram model representing an elemental dynamic system, which is present in claims 47 and 48.

For the reasons set forth above, Applicants respectfully urge that Fitzpatrick, Huang and Miloushev, taken either singly or in any reasonable combination, do not disclose or suggest each and every feature of claims 47-48. Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 47-48 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the above comments, Applicants believe the pending application is in condition for allowance and urges the Examiner to pass the claims to allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-033RCE2. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: April 8, 2010

Respectfully submitted,

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